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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,852	02/22/2006	Hiromi Yoshida	JFE-05-1840	9915
35811 7590 09/23/2009 IP GROUP OF DLA PIPER LLP (US) ONE LIBERTY PLACE 1650 MARKET ST, SUITE 4900 PHILADELPHIA, PA 19103				
EXAMINER				
YEE, DEBORAH				
ART UNIT		PAPER NUMBER		
1793				
NOTIFICATION DATE		DELIVERY MODE		
09/23/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto.phil@dlapiper.com

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/566,852

**Applicant(s)**

HIROMI YOSHIDA ET AL.

**Examiner**

Deborah Yee

**Art Unit**

1793

**—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —**

THE REPLY FILED 14 September 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/Deborah Yee/  
Primary Examiner  
Art Unit: 1793

Continuation of 11, does NOT place the application in condition for allowance because:

Applicant's argument and Declaration filed September 14, 2009 are not persuasive to overcome the rejection of claims 11 to 29 over Japanese patent 2002-2694 ("JP-694").

It was argued that the steel of JP-941 contains 0.1 to 0.5% V whereas Applicant's steel is free of V. The present invention avoids V because it forms VC which severely increases the deformation resistance in subsequent hot rolling steps and a reduction ratio of 70% is unachievable. Although the r values in JP-941 are improved, the problem is that there is excessive presence of precipitated VC because the amount of C in the solid solution state is reduced. Thus tensile strength ("TS") is lowered along with the reduction of C in solid solution and in order for JP-941 to secure a TS at 440 MPa or more, it is necessary to add not only V but also Nb and Ti in large quantities.

In contrast, present invention uses Nb in small amounts to leave solid solution C present in the steel so that there is a small amount of NbC and no VC precipitated in the steel. This allows inventive steel to maintain excellent deep drawability as reflected in a r value of 1.2 or more while maintaining TS at 440 MPa or more. Moreover, elimination of V and controlling Nb allows for reduction ratios of 70% or even more during cold rolling because the deformation resistance due to the presence of VC in large amounts is eliminated.

It is the Examiner's position contrary to Applicant's argument, steel of JP-941 is able to achieve a cold rolling reduction of 70% despite the presence of VC, see paragraphs [0010] and [053]. In addition, JP-941 in claim 1 recites 0.01 to 0.5% V and Nb and/or Ti in a total amount of 0.001 to 0.3% which overlaps and suggest the amount of 0.01 to 0.3% Nb in Applicant's claims. Hence JP-941 does not appear to teach excessive amounts of V, Nb and/or Ti compared to present invention. In regard to C in solid solution, it is not recited in claim and therefore not a patentable consideration.

and a high tensile strength of 440 MPa or more together with an r value of 1.2 or more, as a ..